

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROSS HARRISON,

Defendant.

MEMORANDUM DECISION AND
ORDER DENYING MOTION FOR
EARLY TERMINATION OF
SUPERVISED RELEASE

Case No. 2:03-CR-702 TS

This matter is before the Court on Defendant's Motion for Early Termination of Supervised Release. Because Defendant is proceeding pro se, the Court reviews his filing liberally.¹

I. BACKGROUND

On December 1, 2003, Defendant pleaded guilty to Possession of an Unregistered Sawed-off Shotgun. On May 13, 2004, Defendant was sentenced to 40 months custody followed by 36 months supervised release. Defendant was released from the custody of the Bureau of Prisons on September 18, 2006, and began his 36-month term of supervised

¹*Haines v. Kerner*, 404 U.S. 519, 520-21 (1972).

release the same day. Defendant's term of supervised release is scheduled to end on September 18, 2009.

II. DISCUSSION

If a defendant has completed at least one year of supervised release, 18 U.S.C. § 3583(e) permits the Court to terminate the term of supervised release prior to completion of the entire term if the Court is satisfied that such action is 1) warranted by the conduct of an offender and 2) is in the interest of justice.² In making this determination the Court must consider many of the factors set forth in 18 U.S.C. § 3553(a), to the extent they are applicable.³

The government was notified of the Motion, has had a reasonable opportunity to object, and has filed an objection because Defendant has not been entirely compliant with his term of supervised release.

The Court has reviewed the docket and case file and has consulted with Defendant's supervising probation officer. The Court finds as follows: Defendant is employed and has paid his fine. Defendant has failed to comply with all of the conditions during his supervised release.⁴ Based on these findings and on consideration of the applicable § 3553(a) factors, the Court finds that early termination of Defendant's term of supervised release is neither warranted by the conduct of the offender nor in the interest

²18 U.S.C. § 3583(e)(1).

³*Id.* at § 3583(e) (directing that the court consider factors set forth in § 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)).

⁴*E.g.*, Docket No. 41 (Report on Offender Under Supervision).

of justice.

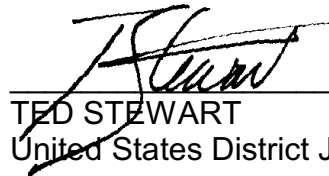
III. CONCLUSION AND ORDER

Based upon the above, it is hereby

ORDERED that Defendant's Motion for Early Termination of Supervised Release (Docket No. 42) is DENIED.

DATED July 13, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "T. Stewart", is written over a horizontal line.

TED STEWART
United States District Judge